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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
WOO, STELLA L	

ART UNIT	PAPER NUMBER
2643	40

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/040,509	KATZ, RONALD A.	
	Examiner	Art Unit	
	Stella L. Woo	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 25, 2003 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (hereinafter "Hester") in view of Szlam et al. (USPN 4,797,911, hereinafter "Szlam"), and further in view of Foster et al. (USPN 4,897,867, hereinafter "Foster").

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 29-35 in that it does not explicitly provide for updating callers' files and receiving caller identification signals entered by the caller. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16), updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42), and receiving a caller's telephone number via ANI or DTMF key input (voice message played depends on whether the identified customer has an established account and customer input; col. 12, line 9 - col. 13, line 54) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files and caller identification, as taught by Szlam, within the method of Hester in order to identify the customer, maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam differs from claims 29-35 in that it does not specify that the certain data entered by the caller properly comprises a precise number of digits that always total a specific particular numerical value. However, Foster teaches

the desirability of verifying customer entered information by checking the expected digit count and using checksum digit information (col. 7, lines 36-65) in order to verify a calling customer as well as to detect dialing errors such that it would have been obvious to an artisan of ordinary skill to incorporate such a well known verification feature, as taught by Foster, within the combination of Hester and Szlam as part of the customer verification process.

Regarding claim 32, note attendant line interface (Fig. 1).

4. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hester in view of Szlam, and further in view of Riskin (USPN 4,757,267) and Foster.

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 33-35 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is

stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam further differs from claims 33-35 in that it does not specify generating sequence data relating to transactions. However, Riskin teaches the desirability of generating sequence numbers to identify each call (note sequential control number; col. 17, line 35 - col. 18, line 13) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of such a sequential control number, as taught by Riskin, within the combination of Hester and Szlam in order to maintain a record of each call.

The combination of Hester, Szlam, and Riskin differs from claims 33-35 in that it does not specify that the certain data entered by the caller comprises a precise number of digits that always total a particular numerical value. However, Foster teaches the desirability of verifying customer entered information by checking the expected digit count and using checksum digit information (col. 7, lines 36-65) in order to verify a calling customer as well as to detect dialing errors such that it would have been obvious to an artisan of ordinary skill to incorporate such a well known verification feature, as taught by Foster, within the combination of Hester and Szlam as part of the customer verification process.

5. Claims 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hester and Szlam, and further in view of Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger") and Foster.

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 36-42 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam differs from claims 36-42 in that it does not specify defining a limit on use. However, Barger teaches the desirability of defining a limit on the number of uses by identified callers in an interactive voice-telephony system (col. 11, lines 34-47) such that it would have been obvious to an artisan of ordinary skill to incorporate the limited use feature, as taught by Barger, within the combination of Hester and Szlam in order to prevent overuse by a single caller.

The combination of Hester, Szlam and Barger differs from claims 36-42 in that it does not specify that the certain data entered by the caller comprises a precise number of digits that always total a particular numerical value. However, Foster teaches the desirability of verifying customer entered information by checking the expected digit count and using checksum digit information (col. 7, lines 36-65) in order to verify a calling customer as well as to detect dialing errors such that it would have been obvious to an artisan of ordinary skill to incorporate such a well known verification feature, as taught by Foster, within the combination of Hester and Szlam as part of the customer verification process.

Regarding claims 36, 40-42, Szlam provides for identifying customers using ANI information (via ANI decoder 10a28).

Response to Arguments

6. Applicant's arguments filed June 25, 2003 have been fully considered but they are not persuasive. Applicant argues that Foster does not teach that "a group of callers are identified by entered data having a specific particular numerical value." However, the claims do not recite identifying a group of callers. For instance, claim 29 recites that

"for one group of callers, certain data proper comprises a precise number of digits..." In Foster, the one group of callers may simply be the callers who choose to enter data, which is then verified as to digit count and checksum digit information.

Regarding the amendment to claims 36, 40-42 which recite "testing said calling number identification by verification and to specify a stored basis for entitlement defining a limit on use," Barger teaches verifying that a caller is entitled to hear a demonstration based on how many requests the caller has previously made (col. 11, lines 34-47). The system determines how many previous requests have been made by the particular caller based on stored information (history of the particular caller; col. 11, lines 39-41; col. 6, lines 21-26). Although Barger identifies a customer by an account number, Szlam teaches the desirability of identifying customer using ANI information (via ANI decoder 10a28).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

STELLA WOO
PRIMARY EXAMINER